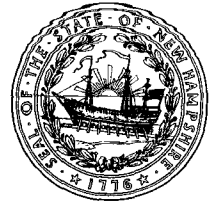




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
WET 06-073

July 25, 2006

Glen McKinstry
Judy McKinstry
River's Edge Campground/ATV Park
PO Box 5221
West Lebanon, NH 03784

RE: DES Wetlands File #2006-01220, Route 118, Canaan

Dear Mr. and Ms. McKinstry:

On June 22, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Canaan Tax Map 12 as Lot 60 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, RSA 485-A:17, and NH Code of Admin. Rules Env-Wt 100-800 and Env-Ws 415.

During the inspection the following deficiencies were documented:

Wetlands (RSA 482-A):

1. Approximately five culverts and associated fill were removed from the Indian River during the installation of a bridge without a permit from DES;
2. Fill from construction activities was piled on the bank to a perennial stream (a tributary to the Indian River). Fill was observed eroding directly into the tributary;
3. Fill on the west side of the campground was piled at the edge of a scrub-shrub wetland. The toe of fill was in wetland. Fill was eroding into the wetland and into the Indian River; and
4. A 36" culvert had been installed within a perennial stream without a permit;

Alteration of Terrain (RSA 485-A:17):

1. At least 100,000 square feet of contiguous area had been disturbed without an Alteration of Terrain permit from DES;
2. Sediment and erosion controls were not installed on the site;
3. An interception ditch approximately 300' long had been dug on the north side of the campground. The ditch had not been stabilized and erosion was evident. Sediment-laden runoff from the trench was directed into a scrub-shrub wetland;
4. A interception trench approximately 25' long had been dug to drain water from an unpaved

parking area. Runoff within the trench was directed directly to the Indian River without any treatment; and

5. Sideslopes to fill areas were steep, unstable, unvegetated and erosion was evident.

In response, you are requested to take the following actions:

Wetlands:

1. By August 24, 2006, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for immediate stabilization of the site and for the removal of accumulated fill and sediment from wetlands on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. By August 24, 2006, submit an after-the-fact application to DES to retain the culvert and bridge.

3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

Alteration of Terrain:

1. By September 24, 2006, submit an alteration of terrain permit application to DES. The application shall be prepared by an engineer licensed in the State of New Hampshire and in accordance with Env-Ws 415.05.

2. Implement the plan only after receiving the Site Specific permit from DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A.

RSA 485-A:17, the alteration of terrain law, is intended to protect New Hampshire surface waters by controlling soil erosion and managing stormwater runoff from developed areas. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

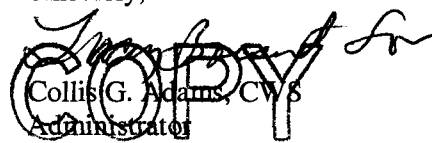
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding wetlands, please contact Linda Magoon at (603) 271-4056. If you have any questions pertaining to alteration of terrain, please contact Ana Herrero at (603) 271-3380.

Sincerely,


Collis G. Adams, CW 8
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 1820 0005 8303 0279

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Ridge Mauck, DES
Ana Herrero, DES
Canaan Conservation Commission
Canaan Board of Selectmen
USACOE